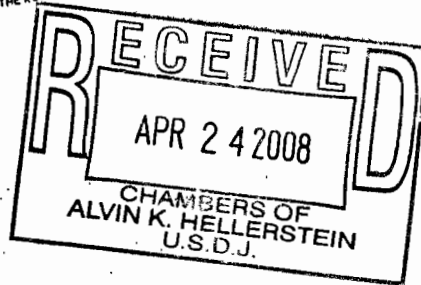




LA UNIÓN HACE LA FUERZA  
THE COMING TOGETHER OF  
LATIN AMERICAN INTEGRATION CENTER  
AND MAKE THE ROAD BY WALKING



April 23, 2008

Original sent by fax

The Honorable Alvin K. Hellerstein  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007  
Fax: 212-805-7942

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 5/2/08

The conf. is  
adjourned to  
May 9, 2008 at  
9:30 a.m.

*[Handwritten signature]*  
5/6/08

Re: Matos v. 738 Restaurant Corp. et al, 08-CV-979 (AKH)(THK)

Dear Judge Hellerstein,

I represent the plaintiffs in the above-titled action. The initial conference in this matter was held on April 4, 2008. Defendant Gus Doulis appeared at this conference, but Defendant Kapetanios did not. Counsel for the two corporate defendants also did not appear. A second conference was scheduled for May 2, 2008, by which time the defendants are to have filed an answer in this action. To date, none of the defendants have answered, and all are currently in default.

I am writing to request an adjournment of the May 2 conference to May 9, or to any other date that pleases the court. None of the attorneys in our office are able to appear on May 2 due to a conflict with a mandatory bi-monthly legal staff meeting. Plaintiffs previously sought an adjournment of this conference on April 14, 2008. The request was rejected without prejudice pending compliance with Individual Rule 1D. I apologize to the Court for my non-compliance with this rule.

I sent a letter to the defendants in this case on April 18, 2008, seeking their consent to an adjournment to May 9. Mr. Kapetanios called me on April 22 and indicated that he would consent to an adjournment. I called Mr. Doulis on April 15 and April 18 and left voice mails requesting that he or his attorney call me back to discuss an adjournment of the conference. Mr. Doulis did not call me back; therefore I was unable to obtain his consent to an adjournment to May 9. To my knowledge, the corporate defendants are not represented by counsel; therefore I was also unable to obtain their consent. No other conference dates have been scheduled, so an adjournment to May 9 should have no significant impact on discovery scheduling.

I have reached out to the defendants by letter to arrange a meet and confer conference next week. If I am able to obtain the participation of the defendants, I hope to furnish the Court with a written report of our agreements regarding the planning of discovery, pursuant to Rule 26(f), by May 2.

Thank you very much for your attention to this matter.

Warm Regards,

/s/

Elizabeth Wagoner

FROM :

FAX NO. :

Apr. 23 2008 09:16PM P3

CC:

John Kapetanos  
c/o Moonstruck East  
449 3rd Ave.  
New York, NY 10016

Gus Doulis, *on his own behalf and on behalf of*  
738 Restaurant Corp. and G. Duli Corp.  
88 Birch Hill  
Albertson, NY 11507